

Notice of Allowability

Application No.

10/686,175

Applicant(s)

BENNETT ET AL.

Examiner

Art Unit

Dalena Tran

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/7/06.
2. ☒ The allowed claim(s) is/are 2-13, 23-27 (now renumbered as 1-17).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____

Dalena Tran

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. This communication is an Examiner's reasons for allowance in response to application filed on 10/14/03, assigned serial 10/686175 and title "Silent operating mode for reducing emissions of a hybrid electric vehicle".
2. The following is the Examiner's statement of reasons for the indication of allowable subject matter:

After carefully reviewing the application, and the additional search of all the possible areas relevant to the present application, a set of related prior art references has been found, but those prior art references are not deemed strong to make the application unpatentable. Thus, it is found that the application is now in condition for allowance.

As per claim 7, the prior art of record does not disclose a method of providing a silent mode of operation for a hybrid electric vehicle having a rechargeable energy storage system (ESS), comprising the steps of: transmitting a silent mode initiation request to a silent mode controller; operating the vehicle in the silent mode using the silent mode controller, comprising designating an electric drive motor as a primary source of propulsion energy for the vehicle and designating an engine as a secondary source of the propulsion energy for the vehicle; and limiting an output power of the engine while the vehicle is in the silent mode to a silent mode output power limit that is less than a maximum output power of the engine. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

As per claim 23, the prior art of record does not disclose a method of providing a silent mode of operation for a hybrid electric vehicle having a rechargeable battery, comprising the steps of: (1) transmitting a silent mode initiation request to a silent mode

Art Unit: 3661

controller; (2) comparing a battery temperature to a mode initiation battery temperature limit value, wherein if the battery temperature is less than or equal to the mode initiation battery temperature limit value, the method proceeding to step (3), and wherein if the battery temperature is greater than the mode initiation battery temperature limit value, step (2) is repeated so long as the mode initiation request is being transmitted; (3) precharging the battery prior to initiation of a silent mode; (4) transmitting a silent mode activation request to the silent mode controller; and (5) operating the vehicle in the silent mode using the silent mode controller, comprising designating an electric drive motor as a primary source of propulsion energy for the vehicle and designating an engine as a secondary source of the propulsion energy for the vehicle. This limitation in combination with the other elements in the claim was not shown or suggested by the prior art.

Claims 2-13, and 23-27, are allowable over the prior art of record.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran

A handwritten signature in black ink, appearing to read 'Dalena Tran', followed by a long horizontal flourish.

June 6, 2006



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

10/686,175

EXAMINER

ART UNIT	PAPER
----------	-------

20060606

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The drawing filed on 10/14/03 has been approved.